

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Office Action mailed on September 7, 2011, and the references cited therewith.

Claims 96, 102, 104, and 106 are amended, claims 1-95 are canceled, and no claims are added; as a result, claims 96-106 are now pending in this application.

### **Examiner Interview Summary**

Applicant thanks Examiner Kathleen Sonnett for the courtesy of a telephone interview on October 28, 2011. Applicant and Examiner Sonnett appeared to reach agreement that independent claims 96, 104, and 106 and the remarks, as presented herein, would overcome the rejections in the present Office Action. Applicant thanks Examiner Sonnett for her time and consideration.

### **Claim Objections**

Claims 96, 98, 104 and 106 were objected to because of the following informalities:

- a. Claim 96: in line 13, “the distal end” should read “a distal end”.
- b. Claim 96: in line 29, “the longitudinal axis” should read “a longitudinal axis”.
- c. Claim 98: in lines 8 and 9, “the outer” and “the inner” should read “an outer” and “an inner”, respectively.
- d. Claim 104: in line 12, “the distal end” should read “a distal end”.
- e. Claim 104: in line 28, “the longitudinal axis” should read “a longitudinal axis”.
- f. Claim 104: in line 31, insert --the-- between “of” and “at least”.
- g. Claim 104: in line 32, “a proximal end” should read “the proximal end”.
- h. Claim 106: in line 26, “the longitudinal axis” should read “a longitudinal axis”.

Applicant respectfully traverses the objections as follows.

Applicant only finds the terms “the outer” and “the inner” recited in lines 6 and 7 of dependent claim 102. Accordingly, Applicant has amended them to recite “an outer” and “an inner”.

Applicant has amended claims 96, 102, 104, and 106 to overcome the objections or apparent objections thereto. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objections to claims 96, 102, 104, and 106.

§ 112 Rejection of the Claims

Claims 96-106 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejection as follows.

Applicant has amended claims 96, 104, and 106 to overcome the § 112 rejection thereof. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 112 rejection of claims 96, 104, and 106, as well as those claims that depend therefrom.

Double Patenting Rejection

Claims 96-99, 101-104, and 106 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 5,800,508 in view of Martin (U.S. Patent No. 5,575,817).

Claim 100 was rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 5,800,508 in view of Martin as applied to claim 96 above and further in view of Liebig (U.S. Patent No. 3,805,301).

Claim 105 was rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 5,800,508

in view of Martin as applied to claim 96 above and further in view of Chuter (U.S. Patent No. 5,562,726).

Claims 96-98, 104, and 106 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 7,942,919 in view of Hillstead (U.S. Patent No. 4,856,516) and Cottone, Jr. (U.S. Patent No. 5,549,663; "Cottone").

Claims 99 and 101-103 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 7,942,919 in view of Hillstead and Cottone, Jr. as applied to claim 96 above and further in view of Martin (U.S. Patent No. 5,575,817).

Claim 100 was rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 7,942,919 in view of Hillstead and Cottone, Jr. as applied to claim 96 above and further in view of Liebig (U.S. Patent No. 3,805,301).

Claim 105 was rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 7,942,919 in view of Hillstead and Cottone, Jr. as applied to claim 96 above and further in view of Chuter (U.S. Patent No. 5,562,726).

Claims 96-99, 101-104, and 106 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 08/312,881 in view of Cottone, Jr. (U.S. Patent No. 5,549,663) and Martin (U.S. Patent No. 5,575,817).

Claim 100 was provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 08/312,881 in view of Martin and Cottone as applied to claim 96 above and further in view of Liebig (U.S. Patent No. 3,805,301).

Claim 105 was provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of copending

Application No. 08/312,881 in view of Martin and Cottone as applied to claim 96 above and further in view of Chuter (U.S. Patent No. 5,562,726).

Accordingly, a Terminal Disclaimer in compliance with 37 CFR 1.321(b)(iv) with regard to U.S. Patent Nos. 5,800,508 and 7,942,919, and U.S. Application No. 08/312,881, is enclosed herewith to overcome these rejections.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0126 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being electronically filed with the United States Patent and Trademark Office on this 30<sup>th</sup> day of November, 2011.

Name Angela Miller

Signature A. Miller

Respectfully Submitted,  
Andrew H. Cragg

By Applicant's Representatives,  
Brooks, Cameron & Huebsch, PLLC  
1221 Nicollet Avenue, Suite 500  
Minneapolis, MN 55403

By: K. G. Waddick  
Kevin G. Waddick  
Reg. No. 57,007

Date: Nov. 30, 2011